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KEARNY MAN CONVICTED OF CONSPIRACY TO DISTRIBUTE TON OF MARIJUANA

TUCSON – Arturo Vasquez Martinez, 35, of Kearny, Ariz., was found guilty of Conspiracy and Possession with Intent to Distribute Marijuana, by a federal jury in Tucson on Monday. The case was tried before United States District Court Judge David C. Bury from February 27 through March 2. The defendant was remanded after trial. Sentencing is set before Judge Bury on June 1, 2007.

The evidence at trial showed that in April, 2003, Martinez was observed by Federal Bureau of Investigation (FBI) Agents in New York City during a controlled delivery of 1,347.27 kilograms of marijuana. The marijuana had originally been crossed one week earlier from Mexico into the United States through Nogales, Ariz., in an undercover operation. The organization paid \$60,000 up front for the crossing and transportation from the border to New York City. Martinez and the soon- to-be-load driver, Alberto Mendez Borboa, were observed by agents at New York's La Guardia Airport as they picked up a co-conspirator who had traveled from Mexico, via Tucson, to broker the marijuana deal. After several days of meetings between undercover agents and the Mexican broker, and the payment of an additional \$120,000 to the undercover officers, agents made a controlled delivery of the marijuana. New York Police stopped the van containing the marijuana, seized the marijuana, and arrested the driver (Borboa). Borboa was prosecuted in federal court in New York.

The New York FBI and New York Police Department conducted a follow up investigation and located New York hotel records, an Arizona driver's license used to secure the hotel rooms, and camera surveillance linking Martinez to the drug deal. They also found a camera in Borboa's abandoned luggage at the hotel containing photos of Martinez and Borboa at the Statue of Liberty, and Martinez, Borboa and the Mexican broker together near Radio City Music Hall. Testimony at trial established that Martinez introduced and acted as an interpreter between the Spanish-speaking Mexican broker and the English-speaking buyers of the marijuana in New York City. Martinez was indicted on June 22, 2005, and arrested in August of that year. He remained out of custody pending trial.

Convictions for Conspiracy and Possession with Intent to Distribute 1000 kilograms or more of Marijuana each carry a maximum penalty of life imprisonment, a \$4 million fine or both. In determining an actual sentence, Judge Bury will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation leading to the guilty verdict was conducted by the Organized Crime and Drug Enforcement Task Force (OCDEF) made up of agents of the Federal Bureau of Investigation (FBI), the Pima County Sheriff's Office (PCSO), the Drug Enforcement Administration (DEA) and

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Immigration and Customs Enforcement (ICE) in Tucson, Ariz. and New York, NY. The prosecution was handled by Mary Sue Feldmeier, Assistant U.S. Attorney, District of Arizona, Tucson.

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